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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
|-----------------|-------------|----------------------|---------------------|------------------|

09/841,017

04/23/2001

Ranjit Sahota

40004572-0001-002

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03/12/2009

SONNENSCHN NATH & ROSENTHAL LLP

P.O. BOX 061080

WACKER DRIVE STATION, SEARS TOWER

CHICAGO, IL 60606-1080

EXAMINER

RIES, LAURIE ANNE

ART UNIT

PAPER NUMBER

2176

MAIL DATE

DELIVERY MODE

03/12/2009

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.



### **DETAILED ACTION**

1. This action is responsive to communications: Amendment, filed 20 January 2009, to the Original Application, filed 23 April 2001.
2. Claims 1-10 and 59-61 are pending. Claims 11-58 and 62-66 have been cancelled. Claims 1, 6, and 59 are independent claims.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-2, 4, 6-7, and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Whitledge (U.S. Patent 6,925,595 B1) in view of Spyglass Prism ("Concepts and Applications") and Lewis (U.S. Patent 6,513,019 B2).

**As per independent claim 1**, Whitledge teaches a syndication method including creating capture templates to harvest content from disparate content sources on

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multiple platforms (See Whitledge, Column 34, Claim 1, lines 29-35, and Column 26, lines 22-29).

Whitledge also teaches a server (See Whitledge, Column 4, lines 38-56).

Whitledge also teaches extracting data using the created capture templates where the capture templates control the acquisition and extraction process (See Whitledge, Column 26, lines 25-31, and Figure 9, element 170).

Whitledge also teaches generating a standardized document from the extraction process and incoming content sources (See Whitledge, Figure 11, Column 25, lines 26-50, Column 3, lines 63-67, Column 4, Table 4, and Column 26, lines 22-26).

Whitledge also teaches providing the standardized document for optimized display on one or more different types of platforms (See Whitledge, Column 4, lines 65-67, Column 5, lines 1-17, and Column 8, lines 37-43).

Whitledge does not teach expressly that the document is a data stream.

Spyglass Prism discloses an HTML traffic report represented in real time, which is, therefore, a streaming document (See Spyglass Prism, Page 7).

Whitledge also does not teach expressly acquiring the data from disparate sources on multiple platforms in a network.

Lewis teaches acquiring data from disparate sources on multiple platforms in a network (See Lewis, Column 1, lines 8-14, Column 6, lines 7-14, Figure 4, Column 10, lines 21-32, Column 2, lines 10-26, Figure 2, Column 3, lines 49-67, and Column 4, lines 1-6).

Whitledge, Spyglass Prism, and Lewis are analogous art because they are from the same field of endeavor of representing hypertext data.

At the time of the invention it would have been obvious to one of ordinary skill in the art to combine the streaming document of Spyglass Prism with the data harvesting system and method of Whitledge. The motivation for doing so would have been to provide a representation of data in real time as needed, such as for applications involving current traffic conditions (See Spyglass Prism, Page 7).

At the time of the invention it would also have been obvious to combine the acquisition of data from disparate multiple platforms in a network of Lewis with the data capture templates of Whitledge. The motivation for doing so would have been to obtain data as requested by the user to be converted to a format as required for display of the data on a specific platform.

Therefore, it would have been obvious to combine Spyglass Prism and Lewis with Whitledge for the benefit of providing a representation of data in real time as needed and for the benefit of obtaining data as requested by the user to be converted to a format as required for display of the data on a specific platform to obtain the invention as specified in claims 1 and 6.

**As per dependent claim 2** , Whitledge, Spyglass Prism, and Lewis teach the limitations of claim 1 as described above. Whitledge also teaches that he content includes HTML content or XML content (See Whitledge, Column 6, lines 3-14).

**As per dependent claim 4**, Whitledge, Spyglass Prism, and Lewis teach the limitations of claim 1 as described above. Whitledge also teaches providing the

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standardized data stream on personal computer display or an electronic portable device display and generating content and code optimized, personalized for a specific platform, network environment or local market (See Whitledge, Column 8, lines 37-46).

**As per independent claim 6**, Whitledge teaches a syndication system including a server (See Whitledge, Figure 1). Independent claim 6 additionally incorporates substantially similar subject matter as that of independent claim 1 above, and is additionally rejected along the same rationale as used in the rejection of claim 1.

**As per dependent claim 7**, Whitledge, Spyglass Prism, and Lewis teach the limitations of claim 6 as described above. Claim 7 additionally incorporates substantially similar subject matter as that of claim 2 above, and is additionally rejected along the same rationale as used in the rejection of claim 2.

**As per dependent claim 9**, Whitledge, Spyglass Prism, and Lewis teach the limitations of claim 6 as described above. Claim 9 additionally incorporates substantially similar subject matter as that of claim 4 above, and is additionally rejected along the same rationale as used in the rejection of claim 4.

4. Claims 3 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Whitledge (U.S. Patent 6,925,595 B1) in view of Spyglass Prism ("Concepts and

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Applications”) and Lewis (U.S. Patent 6,513,019 B2) as applied to claims 1 and 6 above, and further in view of Lonroth (U.S. Patent 6,826,597 B1).

**As per dependent claim 3**, Whitledge, Spyglass Prism, and Lewis teach the limitations of claim 1 as described above. Whitledge also teaches that the capture templates are to provide an ability to insert new media types and content optimized for a particular platform (See Whitledge, Column 24, lines 41-67, and Column 25, lines 1-2). Whitledge, Spyglass Prism, and Lewis do not teach expressly creating one or more XML files or documents to define rules, logic, and content extraction parameters. Lonroth teaches that the creating of the capture templates includes creating one or more XML files or documents to define rules, logic, and content extraction parameters (See Lonroth, Column 2, lines 35-51, Column 3, lines 23-31, and Column 9, lines 39-49). Whitledge, Spyglass Prism, Lewis, and Lonroth are analogous art because they are from the same field of endeavor of representing hypertext data. At the time of the invention it would have been obvious to a person of ordinary skill in the art to include the creation of XML files to define rules, logic and content extraction parameters of Lonroth with the method of harvesting data of Whitledge, Spyglass Prism, and Lewis. The motivation for doing so would have been to allow clients to retrieve data from data sources that do not necessarily support the same protocols and formats as the clients (See Lonroth, Column 3, lines 14-16). Therefore, it would have been obvious to combine Lonroth with Whitledge, Spyglass Prism, and Lewis for the benefit of to allowing clients to retrieve data from data sources that do not necessarily support the same protocols to obtain the invention as specified in claims 3 and 8.

**As per dependent claim 8**, Whitledge, Spyglass Prism, and Lewis teach the limitations of claim 6 as described above. Claim 8 additionally incorporates substantially similar subject matter as that of claim 3 above, and is additionally rejected along the same rationale as used in the rejection of claim 3.

5. Claims 5 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Whitledge (U.S. Patent 6,925,595 B1) in view of Spyglass Prism ("Concepts and Applications") and Lewis (U.S. Patent 6,513,019 B2) as applied to claims 1 and 6 above, and further in view of Arens ("Intelligent Caching: Selecting, Representing, and Reusing Data in an Information Server").

**As per dependent claim 5**, Whitledge, Spyglass Prism, and Lewis teach the limitations of claim 1 as described above. Whitledge, Spyglass Prism, and Lewis do not teach expressly caching the data stream, templates or content. Arens teaches caching data or information (See Arens, Abstract). Whitledge, Spyglass Prism, Lewis, and Arens are analogous art because they are from the same field of endeavor of storing and accessing electronic data. At the time of the invention it would have been obvious to a person of ordinary skill in the art to include the caching of data of Arens with the data stream, templates and content of Whitledge, Spyglass Prism, and Lewis. The motivation for doing so would have been to reduce the cost of retrieving data (See

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Arens, Abstract). Therefore, it would have been obvious to combine Arens with Whitledge, Spyglass Prism, and Lewis for the benefit of reducing the cost of retrieving data to obtain the invention as specified in claims 5 and 10.

**As per dependent claim 10**, Whitledge, Spyglass Prism, and Lewis teach the limitations of claim 6 as described above. Claim 10 additionally incorporates substantially similar subject matter as that of claim 5 above, and is additionally rejected along the same rationale as used in the rejection of claim 5.

6. Claims 59-61 are rejected under 35 U.S.C. 103(a) as being unpatentable over Whitledge (U.S. Patent 6,925,595 B1) in view of Lewis (U.S. Patent 6,513,019 B2).

**As per independent claim 59**, Whitledge teaches a method for harvesting content including harvesting content from disparate content sources by accessing content and media assets from a web site on the Internet network based on conversion rules stored in a repository (See Whitledge, Figure 3, Figure 4A, Column 11, lines 58-67, Column 13, lines 45-59, and Table 3).

Whitledge also teaches converting the harvested content based on conversion rules stored in the repository (See Whitledge, Column 6, lines 35-38).

Whitledge does not teach expressly acquisition rules stored in a repository.

Whitledge also does not teach expressly acquiring the data from disparate sources on multiple platforms in a network.

Lewis teaches acquisition rules stored in a database (See Lewis, Column 6, lines 7-14).

Lewis further teaches acquiring data from disparate sources on multiple platforms in a network (See Lewis, Column 1, lines 8-14, Column 6, lines 7-14, Figure 4, Column 10, lines 21-32, Column 2, lines 10-26, Figure 2, Column 3, lines 49-67, and Column 4, lines 1-6).

Whitledge and Lewis are analogous art because they are from the same field of endeavor of gathering electronic data.

At the time of the invention it would have been obvious to one of ordinary skill in the art to include the stored acquisition of data from disparate multiple platforms in a network of Lewis with the data harvesting method of Whitledge. The motivation for doing so would have been to collect data of specific interest to a user by applying the data collection rules that are specified by the user. Therefore, it would have been obvious to combine Lewis with Whitledge for the benefit of collecting data of specific interest to a user by applying the data collection rules that are specified by the user to obtain the invention as specified in claim 59.

**As per dependent claim 60**, Whitledge and Lewis teach the limitations of claim 59 as described above. Whitledge also teaches navigating the web site to locate and access the content and media assets using a web browser, which does not change

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existing content on a web site (See Whitledge, Figures 10 and 11, Column 25, lines 10-37, and Column 1, lines 62-65).

**As per dependent claim 61**, Whitledge and Lewis teach the limitations of claim 59 as described above. Whitledge also teaches accessing the content and media assets using an Internet protocol (See Whitledge, Column 2, lines 4-24).

### ***Response to Arguments***

7. Applicant's arguments filed 20 January 2009 have been fully considered but they are not persuasive.

A. With regard to independent claims 1 and 6, Applicant argues that Whitledge in combination with Spyglass Prism and Lewis fails to teach or reasonably suggest methods or systems in which data is acquired from disparate content sources on multiple platforms in a network under control of capture templates. The Office respectfully disagrees. Whitledge teaches creating capture templates that harvest content in a network, as shown in Column 34, Claim 1, lines 29-35, and Column 26, lines 22-29. Whitledge further teaches that said capture templates control the acquisition and extraction process, as described in Whitledge, Column 26, lines 22-26,

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teaching an HTML conversion operation COM model in which DOM\_TEMPLATE creates a new HTML document by inserting hypertext elements selection by DOM\_EVAL into a template used to create the second hypertext electronic document (See also Whitledge, Column 3, lines 63-67, and Column 4, Table 4). While Whitledge does not teach expressly that the content is derived from disparate sources, Lewis teaches that content may be captured from disparate sources on multiple platforms in a network, as described in Lewis Figure 4, Column 10, lines 21-32, Column 2, lines 10-26, Figure 2, Column 3, lines 49-67, and Column 4, lines 1-6, showing disparate data obtained from various regions and sources (See also Lewis, Figure 4, "Source Systems", showing multiple platforms from which content is derived).

B. With regard to dependent claims 3 and 8, Applicant argues that Whitledge in combination with Spyglass Prism, Lewis, and Lonroth fails to teach or reasonably suggest acquiring data from disparate content sources on multiple platforms in a network under the control of capture templates. The Office respectfully disagrees. As discussed above, Whitledge teaches creating capture templates that harvest content in a network, as shown in Column 34, Claim 1, lines 29-35, and Column 26, lines 22-29. Whitledge further teaches that said capture templates control the acquisition and extraction process, as described in Whitledge, Column 26, lines 22-26, teaching an HTML conversion operation COM model in which DOM\_TEMPLATE creates a new HTML document by inserting hypertext elements selection by DOM\_EVAL into a template used to create the second hypertext electronic document (See also Whitledge,

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Column 3, lines 63-67, and Column 4, Table 4). While Whitledge does not teach expressly that the content is derived from disparate sources, Lewis teaches that content may be captured from disparate sources on multiple platforms in a network, as described in Lewis Figure 4, Column 10, lines 21-32, Column 2, lines 10-26, Figure 2, Column 3, lines 49-67, and Column 4, lines 1-6, showing disparate data obtained from various regions and sources (See also Lewis, Figure 4, "Source Systems", showing multiple platforms from which content is derived).

With regard to dependent claims 5 and 10, Applicant argues that Whitledge in combination with Spyglass Prism, Lewis, and Arens fails to teach or reasonably suggest acquiring data from disparate content sources on multiple platforms in a network under the control of capture templates. The Office respectfully disagrees. As discussed above, Whitledge teaches creating capture templates that harvest content in a network, as shown in Column 34, Claim 1, lines 29-35, and Column 26, lines 22-29. Whitledge further teaches that said capture templates control the acquisition and extraction process, as described in Whitledge, Column 26, lines 22-26, teaching an HTML conversion operation COM model in which DOM\_TEMPLATE creates a new HTML document by inserting hypertext elements selection by DOM\_EVAL into a template used to create the second hypertext electronic document (See also Whitledge, Column 3, lines 63-67, and Column 4, Table 4). While Whitledge does not teach expressly that the content is derived from disparate sources, Lewis teaches that content may be captured from disparate sources on multiple platforms in a network, as described in

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Lewis Figure 4, Column 10, lines 21-32, Column 2, lines 10-26, Figure 2, Column 3, lines 49-67, and Column 4, lines 1-6, showing disparate data obtained from various regions and sources (See also Lewis, Figure 4, "Source Systems", showing multiple platforms from which content is derived).

C. With regard to independent claim 59, Applicant argues that Whitledge in combination with Lewis fails to teach or reasonably suggest harvesting content and media assets from disparate content sources on multiple platforms on the network based on acquisition rules stored in a repository. The Office respectfully disagrees. Whitledge teaches creating capture templates that harvest content in a network, as shown in Column 34, Claim 1, lines 29-35, and Column 26, lines 22-29. Whitledge further teaches that said capture templates control the acquisition and extraction process, as described in Whitledge, Column 26, lines 22-26, teaching an HTML conversion operation COM model in which DOM\_TEMPLATE creates a new HTML document by inserting hypertext elements selection by DOM\_EVAL into a template used to create the second hypertext electronic document (See also Whitledge, Column 3, lines 63-67, and Column 4, Table 4). While Whitledge does not teach expressly that the content is derived from disparate sources, Lewis teaches that content may be captured from disparate sources on multiple platforms in a network, as described in Lewis Figure 4, Column 10, lines 21-32, Column 2, lines 10-26, Figure 2, Column 3, lines 49-67, and Column 4, lines 1-6, showing disparate data obtained from various regions and sources (See also Lewis, Figure 4, "Source Systems", showing multiple

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platforms from which content is derived). Lewis further teaches that the acquisition rules are stored in a database (See Lewis, Column 6, lines 7-14).

### ***Conclusion***

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Laurie Ries whose telephone number is (571) 272-4095.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Doug Hutton, can be reached at (571) 272-4137.

10. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Laurie Ries/  
Primary Patent Examiner  
Technology Center 2100  
11 March 2009